

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

ZACHARY EVERETTE and AMANDA DERINGER, Individually and as Next Friend of J.O. and M.O.,	§	(Removed from the 20th District Court, Milam County, Texas;
<i>Plaintiffs,</i>	§	Cause No. CV39887
VS.	§	
EDUARDO VASQUEZ and VASQUEZ CONSTRUCTION,	§	CIVIL ACTION No. 1:20-cv-00067
<i>Defendants.</i>	§	

**DEFENDANTS, EDUARDO VADQUEZ and VASQUEZ CONSTRUCTION'S
NOTICE OF REMOVAL**

1. Defendants, Eduardo Vasquez and Vasquez Construction (collectively “Defendants”) file this Notice of Removal in accordance with 28 U.S.C. §1332(a) as this case involves citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiffs, at the time of filing their petition, were residents of Bryan, Brazos County, Texas. At the time of the accident, the filing of the Plaintiffs’ Original Petition, and at the time of the filing of this Notice of Removal Defendant, Eduardo Vasquez, was and remains an individual residing at 428 N. Sergeant Avenue, Joplin, Missouri 64801. At the time of the accident, the filing of the Plaintiffs’ Original Petition, and at the time of the filing of this Notice of Removal, Defendant Vasquez Construction was and remains a business owned by Eduardo Vasquez, organized in Missouri, and maintaining a principal place of business at 428 N. Sergeant Avenue, Joplin, Missouri 64801.


2. Plaintiffs filed their Plaintiffs' Original Petition in the "20th Judicial District Court of Milam County, Texas," and is styled "Zachary Everette and Amanda Deringer, Individually and as Next Friend of J.O. and M.O." bearing Cause No. CV39887 on the honorable court's docket which is now pending. See Exhibit 1. Service was perfected on Defendants on December 13, 2019.
3. Milam County is within the territorial jurisdiction of the United States District Court for the Western District of Texas, Austin Division.
4. The above-entitled cause is of a civil nature at law brought by the Plaintiffs to recover personal injury damages to be paid to a personal injury claimant, and set forth in Plaintiffs' Original Petition. The court's jurisdiction is conferred by way of 28 U.S.C. §1332(a) due to diversity of citizenship.
5. Pursuant to 28 U.S.C. §1446(a), Defendants attach copies of all processes, pleadings, and orders served upon it in the state court action, as well as the certified State Court Docket Sheet as Exhibit 2. No further proceedings have been had therein.
6. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal will be filed with the District Clerk of Milam County, Texas.
7. Pursuant to 28 U.S.C. §1357, Defendants request this court to exercise supplemental jurisdiction over the remaining claims and causes of action pled by Plaintiffs herein, if any.
9. An index of matters is being filed herein and is attached hereto which consists of a file-marked copy of the entire state court file.

WHEREFORE PREMISES CONSIDERED, Defendants pray that the action now pending against it in Milam County, Texas, and bearing Cause No. CV39887, be removed to this honorable court, and that this honorable court assume jurisdiction of the matter pursuant to the diversity jurisdiction of this court. Defendants further pray that this court exercise its supplemental jurisdiction over the Plaintiffs' common law claims, if any, as pled or that may be pled herein. Defendants further pray that this honorable court enter such orders and issue such process as may be necessary to bring before it copies of all records and proceedings presently pending in state court, and for such other and further relief, both in law and equity, to which they may show themselves to be justly entitled.

Respectfully submitted,

WHITE SHAVER

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

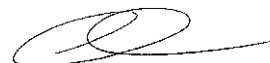
I hereby certify that a true and correct copy of the above and forgoing was furnished to opposing counsel in accordance with the Texas Rules of Civil Procedure on this the 21st day of January, 2020.



ADAM B. ALLEN

CERTIFICATE OF CONFERENCE

I certify that prior to the filing of this Notice of Removal, Plaintiffs' counsel was contacted by telephone regarding the removal. Plaintiffs' counsel is not agreeable to the removal of this cause to the United States District Court for the Western District of Texas, Austin Division.



ADAM B. ALLEN